

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Joseph Salesky et al.
APPLICATION NO.: 08/823,744
PATENT NO.: 6,343,313
TITLE: A Computer Conferencing System with Real-Time,
Multipoint, Multi-Speed, Multi-Stream Scalability
FILING DATE: March 25, 1997
GROUP ART UNIT: 2152
CONFIRMATION NO.: 7787
ATTY.DKT.NO.: PA2851US

MAIL STOP PETITIONS
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

PETITION TO EXPUNGE PAPERS
UNDER 37 C.F.R. § 1.181 AND 37 C.F.R. §1.59

SIR:

This is a petition to the Commissioner for Patents pursuant to 37 C.F.R. § 1.181. Through this petition, the Commissioner is requested to expunge—pursuant to 37 C.F.R. § 1.59—duplicative papers found in the abstract of title for the present patent.

The grounds for granting this petition and allowing for information to be expunged from the Application's Patent Assignment Abstract of Title are set forth in detail below.

I. Petition to Expunge Pursuant to 37 C.F.R. § 1.59

Expunging papers in the Abstract of Title is proper pursuant to 37 C.F.R. § 1.181 and 37 C.F.R. § 1.59 as follows:

A. Written Requirement of 37 C.F.R. § 1.2

37 C.F.R. § 1.2 requires all business before the Patent Office to be in writing. It is believed that the submission of this written petition satisfies the written requirement of 37 C.F.R. § 1.2. Consideration of this petition as the written record is hereby requested.

B. Statement Requirement of 37 C.F.R. § 1.181(b)

37 C.F.R. § 1.181(b) requires all petitions to contain: a statement of the facts involved, the points to be reviewed, and the action requested.

1. Statement of Facts

On March 25, 1997, a non-provisional patent application (the “Application”) was filed with the U.S. Patent and Trademark Office. The Patent Office subsequently allocated application number 08/823,744 and affirmed the filing date of March 25, 1997. The Application named Joseph Salesky, Peter Madams, Jon Flower, Clint Kaul, Benjamin Wells, and Edward Arthur Ho-Ming Janne as joint inventors (the “Applicants”).

On February 18, 1999, the Applicants filed an assignment to Picture Talk, Inc. The Patent Office recorded the assignment on March 2, 1999 at reel/frame number 009793/0840. (“*Assignment 1*,” as listed in the Application’s Abstract of Title, see the attached Appendix A.)

On September 28, 1999, the Assignee (PictureTalk, Inc.) submitted a “Change of Name” from Picture Talk, Inc. to Skky Interactive, Inc to the Patent Office for recordation. The Patent Office, however, erroneously recorded the “Change of

Name” as a “Security Agreement” at reel/frame 010280/0073 on October 1, 1999. (“*Assignment 7*,” see Appendix A). As a result of the Patent Office erroneously recording the name change as a “Security Agreement,” a request for Corrected Notice of Recordation was filed on April 27, 2008 requesting that the conveyance be corrected to show a “Change of Name” from Picture Talk, Inc. to Skky Interactive, Inc. The Patent Office erroneously recorded the “Change of Name” at reel/frame number 020865/0435 as a newly submitted document in the chain of title instead of correcting the previously submitted name change document. (“*Assignment 8*,” see Appendix A).

On September 30, 1999, the Assignee of record (Skky Interactive, Inc.) filed a “Change of Name” from Skky Interactive, Inc. to Pixion, Inc. The Patent Office properly recorded the “Change of Name” at reel/frame number 010276/0022. (“*Assignment 9*,” see Appendix A).

On February 7, 2008, three conveyances, located at reel/frame numbers 020495/0024 (“*Assignment 2*”), 020495/0047 (“*Assignment 3*”), and 020487/0764 (“*Assignment 6*”), were erroneously recorded against the Application. (See Appendix A). Since February 7, 2008, it has been determined that *Assignments 2, 3 and 6*, were mistakenly recorded against the Application. These assignments were intended for *another* application and should not have been recorded against the Application.

Assignment 2 and *Assignment 3* are identical to and thus duplicative of *Assignment 1*. *Assignment 1*, previously recorded against the Application on March 2, 1999 at reel/frame number 009793/0840, reflects the assignment from the Applicants to Picture Talk, Inc. (See *Assignments 1, 2 and 3*, Appendix A).

Assignment 6 is a “Change of Name” reflecting Picture Talk, Inc.’s name change to Skky Interactive, Inc; (See *Assignment 6*, Appendix A). *Assignment 6* is duplicative of *Assignment 8*, the “Change of Name” recorded against the Application at reel/frame 020865/0435. (See *Assignment 8*, Appendix A).

Since the assignment of the Applicants’ interest to Picture Talk, Inc. and the name change from Picture Talk, Inc. to Skky Interactive were previously and properly recorded against the Application at reel/frame numbers 009793/0840 (*Assignment 1*) and 020865/0435 (*Assignment 8*), respectively, *Assignments 2, 3, and 6* are duplicative recordings on the Application’s Abstract of Title and only serve to unnecessarily convolute the application file. Removing *Assignments 2, 3, and 6* would not materially affect or harm the application file but would instead simplify the public’s ability to understand the Application’s Abstract of Title. Since information located in an application’s Abstract of Title is not part of the original disclosure, it may be expunged from the application file pursuant to 37 C.F.R. § 1.59(a)(2).

2. Points to be Reviewed

Whether three erroneously recorded conveyances located at reel/frame numbers 020495/0024 (*Assignment 2*), 020495/0047 (*Assignment 3*), and 02487/0764 (*Assignment 6*) may be expunged from the abstract of title pursuant to 37 C.F.R. § 1.59.

3. Action Requested

The Commissioner is requested to expunge the three duplicative and erroneously recorded conveyances located at reel/frame numbers 020495/0024 (*Assignment 2*), 020495/0047 (*Assignment 3*), and 02487/0764 (*Assignment 6*) pursuant to 37 C.F.R. § 1.59.

C. Request to Expunge Information or Copy of Papers in Application File

37 C.F.R. § 1.59(b) permits an applicant to request that the Patent Office expunge information (other than information forming part of the original disclosure) by filing a petition setting forth reasons why the papers may be expunged.

D. Requisite Fee Under 37 C.F.R. 1.17(g)

Pursuant to 37 C.F.R. § 1.59(b) and 37 C.F.R. § 1.17(g) require a fee of \$200.00 USD for processing. The Commission is authorized to charge **Deposit Account 06-0600** for this and any additional fees that may be due.

E. Timeliness of Petition Under 37 C.F.R. § 1.181(f)

The Patent Office has set no formal period of time for expunging information in an application file. There has not been any official communication from the Patent Office setting forth a time for response in this regard. This petition is otherwise being submitted in good faith and the petition is believed to be timely.

II. Conclusion

All provisions of 37 C.F.R. § 1.181 and 37 C.F.R. § 1.59(b) for expunging papers are believed to have been satisfied. As such, removal of three duplicative conveyances in the Abstract of Title for the present Application is respectfully requested.

If the Commissioner, or a designated official under 37 C.F.R. § 1.181(g), requires additional information or clarification as to this petition, the undersigned representative welcomes such a query at the number set forth below.

Respectfully submitted,
Joseph Salesky et al.

October 28, 2009

By: /Tam Thanh Pham/
Tam Thanh Pham, Reg. No. 50,565
Carr & Ferrell, LLP
2200 Geng Road
Palo Alto, CA 94303
TEL: (650) 812-3400
FAX: (650) 812-3444